

REMARKS

This Amendment is submitted in response to the Office Action dated September 9, 2004, having a shortened statutory period set to expire December 8, 2004. Claims 1-17 are pending. Claims 1 and 9 have been amended and Claims 3-4, 11 and 15-18 have been canceled. No new matter has been entered by these amendments.

Double Patenting Rejection

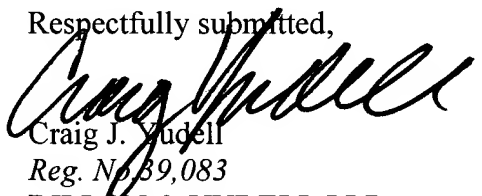
In section 1 of the present Office Action, Claims 1-18 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of U.S. Patent No. 6,537,013 B2. Applicants submit a Terminal Disclaimer herewith in compliance with 37 C.F.R. 1.321(c) to overcome the double patenting rejection.

Claim Rejections -- 35 U.S.C. § 102

In section 3 of the present Office Action, Claims 1-18 have been rejected under 35 U.S.C. §102(e) as being anticipated by *Emberty, et al.* (U.S. Patent No. 6,537,013 B2). That rejection is respectfully traversed and reconsideration of the Claims as amended is requested.

Claims 1 and 9 in the present application now recite optical service interfaces utilizing pairs of LEDs and phototransistors. No such optical service interfaces are shown or suggested anywhere within the disclosure of *Emberty*. Consequently, Applicants respectfully submit that the present invention as claimed is not anticipated or obvious in light of the prior art and that the rejection under §102 should be withdrawn, and that the application is now in condition for allowance.

Respectfully submitted,


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